

The period under 37 CFR 1.304 for seeking court review of the decision by the Board of Patent Appeals and Interferences rendered 9/8/2011 expired.

Reason for Allowance

The following is an examiner's statement of reason for allowance: Allowance is based on the board decision made on 9/8/2011 on page 4 of the decision.

Drawings Requirement

The drawings filed on 8/31/2004 are not compliant with 37 CFR 1.84 and 37 CFR 1.121, therefore, the drawings cannot substitute for the informal drawings originally filed on 10/6/2000. A shortened statutory period for reply to this notice of allowability is set to expire Three-Month from the mail date of this notice of allowability within which the applicant **must** file a corrected drawing in compliance with § 1.84 to avoid abandonment. This time period is not extendable under § 1.136(a) or § 1.136(b).

General Consideration

37 CFR 1.6. Receipt of correspondence

- When the Office receives replacement sheets of drawings for patent applications after the application has been filed, a cover letter identifying the drawings by application number should accompany them. The application number and other identifying indicia should be placed on each sheet of drawings in accordance with 37 CFR 1.84(c). Each drawing sheet submitted after the filing date of the application **must** be identified as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

608.02 Drawings (VI. Definitions)

- Substitute drawing: A drawing filed later than the filing date of an application usually submitted to replace an original informal drawing.

608.02(h) Replacement Drawings

When an amendment is filed stating that replacement sheets of drawings are filed with the Amendment:

- In the next communication of the examiner, the applicant is notified if the drawings have been received and whether or not the replacement drawings have been entered in the application.
- If the replacement drawings are not entered, the examiner should give the applicant a concise and complete explanation as to why the drawings were not entered. The examiner should not overlook such factors as new matter, the necessity for the replacement sheets and consistency with other sheets. If the examiner decides that the sheets should not be entered, the examiner should provide the applicant with the complete, explicit reasoning for the denial of entry. The entries made by the technical support staff will be marked “(N.E.).”
- Form paragraph 6.37 may be used to acknowledge replacement drawing sheets.

608.02(p) Correction of Drawings

37 CFR 1.121. Manner of making amendments in application.

(d) Drawings: One or more application drawings shall be amended in the following manner:

- Any changes to an application drawing **must** be in compliance with § 1.84 and **must** be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled “Replacement Sheet”.
- Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended.
- Any new sheet of drawings containing an additional figure **must** be labeled in the top margin as “New Sheet”.
- All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.
 - (1) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be included. The marked-up copy **must** be clearly labeled as “Annotated Sheet” and **must** be presented in the amendment or remarks section that explains the change to the drawings.
 - (2) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, **must** be provided when required by the examiner.

37 CFR 1.85. Corrections to drawings.

(c) If a corrected drawing is required or if a drawing does not comply with § 1.84 at the time an application is allowed, the Office may notify the applicant and **set a three-month period of time** from the mail date of the notice of allowability within which the applicant **must** file a corrected drawing in compliance with § 1.84 to avoid abandonment. This time period is not extendable under § 1.136(a) or § 1.136(b).

The drawings filed on 8/31/2004 are not compliant with 37 CFR 1.84 and 37 CFR 1.121 for the following:

- The application number and other identifying indicia should be placed on each sheet of drawings in accordance with 37 CFR 1.84(c). Each drawing sheet submitted after the filing date of the application **must** be identified as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).
- All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.
 - (1) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be included. The marked-up copy **must** be clearly labeled as "Annotated Sheet" and **must** be presented in the amendment or remarks section that explains the change to the drawings.
 - (2) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, **must** be provided when required by the examiner.
- The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: page 6 (lines 17-18), reference signs, 100, 101, 102, 103; page 7(line 14), 220; page 8 (line 14), 207; page 11 (lines 9, 18, 19, 21 and 31), 206, 217, 218, 221, 303, 307, 308, 314; page 12 (line 25), 320; page 13 (lines 4, 6, 11,13, 18), 400, 405, 402. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

Art Unit: 2453

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance

Examiner Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Arthur Ortega, reg. no. 53,422 on October 14, 2011.

3. The claims have been amended as follows:

a. Please replace claim 18 to read as of the following,

18. (Currently amended) A system comprising:

a computer;

an integrated management agent capable of managing components of a storage area network (SAN), the integrated management agent comprising a device agent;

the device agent comprising an object-based device handler sublayer and a protocol- dependent device handler sublayer, the protocol-dependent device handler sublayer comprising multiple modules, each respective module of the multiple modules ~~adapted to support~~ supporting a respective device-type-specific protocol; and

Art Unit: 2453

wherein a particular module of the multiple modules that ~~is adapted to support~~ supports a particular device-type-specific protocol may be installed to or uninstalled from the protocol- dependent device handler sublayer independently of other modules of the multiple modules while the integrated management agent is running.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista Zele can be reached on (571) 272-7288. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Primary Examiner, Art Unit 2453

Application/Control Number: 09/684,472
Art Unit: 2453

Page 7